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HEWLETT-PACKARD COMPANY  
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P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/989,967

Applicant(s)

PARRY, TRAVIS J.

Examiner

Philip S. Scuderi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 16 August 2007 (herein "Remarks") have been fully considered but they are not persuasive.

1. Applicant argues that the last office action failed to establish a prima facie case that Danknick (U.S. Patent No. 6,021,429) teaches "an imaging device with a management facility incorporated or expressed through an embedded webserver" [see, e.g., Remarks at page 5].

Danknick was not relied on to teach an embedded webserver. Rather, Danknick was relied upon to teach an embedded server (CPSOCKET module embedded within NEB 2) [see Danknick at fig. 2, col. 8, ll. 29-64].

2. In the last response the examiner noted that applicant stated that a "webserver" is "a hardware of software component that communicates over the network via hypertext transfer protocol" [see page 8 filed 16 January 2007].

In response, applicant states that applicant "could not find the Office's cited passage of Page 8." [see, e.g., Remarks at page 5]. Applicant alleges that on "Page 10 of the Response of January 12, 2007" Applicant contended that "one of ordinary skill in the art would ... interpret an 'embedded webserver' as ... a specific implementation of a hardware of software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol" [see, e.g., Remarks at page 5].

The examiner has reviewed Page 10 of the Response of January 12, 2007 and cannot find applicant's alleged statement there. Page 8 of the Response of January 12, 2007 contains the closest subject matter to applicant's alleged statement, where Page 8 states "one skilled in the art would ... interpret 'an embedded webserver' as ... a specific implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol" [see page 8 filed 16 January 2007].

Applicant has misquoted applicant's own statements filed on 16 January 2007. A "specific implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol" [see page 8 filed 16 January 2007] is not the same as "a specific implementation of a hardware of software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol" [see Remarks at page 5 (emphasis added)]. That is, applicant's own interpretation stated on 16 January 2007 does not require communication of "webpages and data."

Applicant now argues that "a specific implementation of a hardware or software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol (HTTP) standard" is not simply "a hardware or software component that communicates over the network via hypertext transfer protocol" [see, e.g., Remarks at page 5 (emphasis added)]. That is, applicant argues that the "webpages and data" that did not exist in applicant's previous interpretation of a "webserver" distinguish over the prior art. The examiner disagrees.

The examiner finds both of applicant's interpretations of the term "webserver" to be reasonable. However, the first interpretation stated on 16 January 2007 is broader and is therefore the broadest reasonable interpretation. Thus, a "webserver" is interpreted herein to require a

“specific implementation of a hardware or software component of a networked device that communicates over a network via HTTP.”

Danknick and the HTTP 1.0 Specification teach a webserver within the broadest reasonable interpretation of the term. Danknick teaches an embedded server (CPSOCKET module embedded within NEB 2) [see Danknick at fig. 2, col. 8, ll. 29-64]. Danknick does not teach a webserver because Danknick does not disclose the protocol that the embedded server uses to communicate. But, all that is required for Danknick’s embedded server (CPSOCKET module embedded within NEB 2) to be considered a webserver is the mere use of HTTP.

HTTP was well known in the art and provided known advantages, as evidenced by the HTTP 1.0 Specification. The HTTP 1.0 Specification recites known advantages to using HTTP on page 1 as follows:

“The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred.”

It would have been obvious to one of ordinary skill in the art to use HTTP to communicate here for at least the reasons set forth in the HTTP specification as quoted above.

3. Applicant argues that Danknick does not teach storing “supplemental information’ as defined in the specification, wherein the supplemental information is about the operating state of the device itself and is selected from the group of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate” [see, e.g., Remarks at pages 5-6] The examiner disagrees.

The specification does not even define “supplemental information.” The claims recite that the supplemental information “is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate” [see, e.g., claim 1].

In figure 8, Danknick clearly shows that the list of device addresses includes device type and manufacturer. A type or manufacturer of an imaging device can reasonably be construed as an imaging device feature, configuration, usage information, or status as set forth in the claims.

Danknick also discloses that the list can include address expiration time or an indication that an address may not be current [see Danknick at col. 7, ll. 57 – col. 8, ll. 12; col. 10, ll. 25-45]. Such an expiration time or indication can reasonably be construed as an imaging device feature, configuration, usage information, or status as set forth in the claims.

4. Applicant argues that there is no motivation to enable Danknick’s embedded server to use HTTP [see, e.g., Remarks at page 7]. The examiner disagrees.

Enabling Danknick’s embedded server (CPSOCKET) to communicate via HTTP is merely a combination of familiar elements (Danknick’s CPSOCKET and HTTP) that does no more than yield predictable results (communicating via HTTP). The HTTP 1.0 Specification recites apparent reasons that one of ordinary skill in the art would utilize HTTP on page 1 as follows:

“The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred.”

Art Unit: 2153

As applicant is no doubt aware “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” Leapfrog Enter., Inc. v. Fisher-Price, Inc., 485 F.3d 1157, 1161, 82 USPQ2d 1687, 1691 (Fed. Cir. 2007) (quoting KSR Int’l v. Teleflex, Inc., 127 S. Ct. 1727, 1739-40, 82 USPQ2d 1385, 1395 (2007)). And, a holding of obviousness can be based on a showing that there was “an apparent reason to combine the known elements in the fashion claimed.” KSR, 127 S. Ct. at 1740-41, 82 USPQ2d at 1396.

5. Applicant argues that Danknick teaches away from using HTTP because Danknick discloses a “standalone program (CPUTIL) and related specialized communication socket (CPSOCKET)” [see, e.g., Remarks at page 7]. The examiner disagrees.

Applicant has failed to provide any reason that Danknick criticizes, discredits, or otherwise discourages embedded server (CPSOCKET) from communicating via HTTP. A proper teaching away argument needs to establish that the prior art criticizes, discredits, or otherwise discourages the solution claimed. See In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danknick (U.S. Patent No. 6,021,429) in view of the HTTP 1.0 Specification (Request for Comments: 1945, Berners-Lee et al., May 1996).**

As to claim 1, Danknick teaches an imaging device comprising:

an image generator (print engine), wherein the image generator (print engine) is a print engine internal to a first imaging device (printer) [figure 2; column 5, line 45 – column 6, line 49];

a network interface (30), wherein the network interface (30) is adapted to couple (capable of coupling) the first imaging device (printer) to a network (LAN) [figure 2; column 5, line 45 – column 6, line 49];

an embedded server (CPSOCKET module embedded within the NEB) with a management facility (CPSOCKET provides various management operations such as NEB control) [figure 2; column 8, lines 29-64];

a controller (NEB) coupled to the network interface (30) and the image generator (print engine), wherein the controller (NEB) is internal to the first imaging device (printer) and is adapted to store (capable of storing) a list of other imaging device network addresses (list of device addresses in the NEB) [figure 2; column 8, lines 29-64];

wherein the controller (NEB) is adapted to communicate (capable of communicating) the list of other imaging device network addresses (list of device addresses in the NEB) through the network interface (30) to an imaging device management facility (network administrator's remote computer) upon request [figure 2; column 8, lines 29-64]; and

wherein the list of other imaging device network addresses (list of device addresses in the NEB) contains supplemental information on each of the other imaging devices (imaging devices having addresses in the list of device addresses), where the supplemental information is imaging



Art Unit: 2153

device features, imaging device configuration, imaging device usage information, or imaging device status (device type, device features, device address information, interface information, control information, configuration information, statistics, or an indication that an address is not current) [figure 2; column 7, line 45 - column 8, line 64; column 10, lines 25-45].

A webserver is a server that communicates using HTTP. Danknick does not expressly disclose that the server (CPSOCKET module embedded within the NEB) communicates using HTTP. Thus, Danknick does not expressly disclose that the server (CPSOCKET module embedded within the NEB) is a webserver.

Nonetheless, HTTP was well known in the art and provided known advantages, as evidenced by the HTTP 1.0 Specification. The HTTP 1.0 Specification recites known advantages to using HTTP on page 1 as follows:

“The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred.”

It would have been obvious to one of ordinary skill in the art to use HTTP to communicate in the instant case for at least the reasons set forth in the HTTP specification as quoted above.

As to claim 2, Danknick teaches that the list of other imaging device network addresses (list of device addresses in the NEB) further comprises a list of other imaging device network addresses, where the other imaging devices (imaging devices having addresses in the list) are similar to the first imaging device (are other printers, copiers, facsimile machines, or terminals such as a PC) [column 7, line 45 – column 8, line 64].

As to claim 3, Danknick teaches that the controller (NEB) is adapted to mirror (capable of mirroring) the list of other imaging device network addresses (list of device addresses in the NEB) through the network interface (30) to another imaging device (printer, copier, fax machine, or terminals such as a PC) upon request [column 7, line 45 – column 8, line 64].

As to claim 4, Danknick teaches that the controller (NEB) is adapted to store (capable of storing) a list of other network addresses in a media that is selected from the group consisting of SRAM, DRAM, a non-volatile memory device, a register, and optical media [column 7, line 45 – column 8, line 64].

As to claim 5, the claim further limits the imaging device usage information, which is not necessarily required by claim 1 and which was not necessarily relied upon by the examiner to meet claim 1.

As to claim 6, Danknick teaches that the list of other network addresses is a sequential list [column 7, line 45 – column 8, line 28].

As to claim 7, Danknick teaches that the controller (NEB) is adapted to discover (capable of discovering) the list of other network addresses [column 9, line 50 – column 11, line 67].

As to claim 8, Danknick teaches that discovering the list of other network addresses further comprises pinging network addresses [column 10, lines 25-45].

As to claim 9, Danknick teaches that discovering the list of other network addresses is scheduled to occur at specific times (expiration times), and where the supplemental information (an indicator that an address may not be current) on the other imaging devices (other printer, faxes, copiers corresponding to the addresses in the list) is updated during the scheduled discovery times (expiration times) [column 10, lines 25-45].

As to claim 10, Danknick teaches a history list of previously valid network addresses is utilized in discovering the list of other network addresses [column 10, lines 25-45].

As to claim 11, Danknick teaches that a network device at a network address notifies the first imaging device when the network device comes online (see imaging devices operating as slaves) [column 12, line 1 – column 13, line 4].

As to claim 13, Danknick teaches a computer-usable medium having computer readable instructions stored thereon for execution by a processor of an imaging device to perform a method comprising:

determining a list of network addresses (list of device addresses in the NEB) for other imaging devices (printers, faxes, copiers, or terminals such as a PC) similar to a first imaging device (printer), wherein the first imaging device (printer) contains a print engine [figure 2; column 5, line 45 – column 8, line 64];

storing the list of other network addresses (list of device addresses in the NEB) on the first imaging device (printer) [figure 2; column 8, lines 29-64]; and

communicating with the other similar imaging devices (printers, faxes, copiers, or terminals) utilizing a management facility on an embedded server (CPSOCKET module embedded within the NEB) of the imaging device (printer) by referring to the list of other network addresses (list of device addresses in the NEB) for the other imaging devices (printers, faxes, copiers, or terminals) [column 7, line 45 – column 8, line 64];

wherein determining a list of network addresses for other imaging devices (list of device addresses in the NEB) similar to a first imaging device (printer) further comprises determining supplemental information on the other imaging devices, where the supplemental information is imaging device features, imaging device configuration, imaging device usage information, or imaging

Art Unit: 2153

device status (device type, device features, device address information, interface information, control information, configuration information, statistics, or an indication that an address is not current) [figure 2; column 7, line 45 - column 8, line 64; column 10, lines 25-45].

A webserver is a server that communicates using HTTP. Danknick does not expressly disclose that the server (CPSOCKET module embedded within the NEB) communicates using HTTP. Thus, Danknick does not expressly disclose that the server (CPSOCKET module embedded within the NEB) is a webserver.

Nonetheless, HTTP was well known in the art and provided known advantages, as evidenced by the HTTP 1.0 Specification. The HTTP 1.0 Specification recites known advantages to using HTTP on page 1 as follows:

“The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred.”

It would have been obvious to one of ordinary skill in the art to use HTTP to communicate in the instant case for at least the reasons set forth in the HTTP specification as quoted above.

As to claim 14, Danknick teaches that the determining the list of other network addresses for other imaging devices similar to the first imaging device further comprises discovering the network addresses for other imaging devices similar to the first imaging device [column 9, line 50 – column 11, line 67].

As to claim 15, Danknick teaches a method of operating an imaging device, the method comprising:

Art Unit: 2153

determining a list of network addresses (list of device addresses in the NEB) and supplemental information (device type, device features, device address information, interface information, control information, configuration information, statistics, or an indication that an address is not current) for other imaging devices (other printers, faxes, or copiers) similar to a first imaging device (printer), wherein the first imaging device (printer) contains a print engine [figure 2; column 5, line 45 – column 8, line 64; column 10, lines 25-45];

storing the list of network addresses (list of device addresses in the NEB) on the first imaging device (printer), wherein the supplemental information is imaging device features, imaging device configuration, imaging device usage information, or imaging device status (device address information, interface information, control information, configuration information, statistics, or an indication that an address is not current) [figure 2; column 5, line 45 – column 8, line 64; column 10, lines 25-45];

referring to the list of network addresses (list of device addresses in the NEB) of other imaging devices (other printers, faxes, copiers, or terminals such as a PC) for communication between imaging devices [column 7, line 56 – column 8, line 12; column 14, lines 21-32]; and

directing the communication between the first imaging device (printer) and the other similar imaging devices (other printers, copiers, faxes, or a terminal such as a PC) through a network interface (30) with a server and management facility (CPSOCKET) embedded in the first imaging device (embedded within the NEB) [column 7, line 45 – column 8, line 64; column 14, lines 21-32].

A webserver is a server that communicates using HTTP. Danknick does not expressly disclose that the server (CPSOCKET module embedded within the NEB) communicates using HTTP. Thus, Danknick does not expressly disclose that the server (CPSOCKET module embedded within the NEB) is a webserver.

Nonetheless, HTTP was well known in the art and provided known advantages, as evidenced by the HTTP 1.0 Specification. The HTTP 1.0 Specification recites known advantages to using HTTP on page 1 as follows:

“The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred.”

It would have been obvious to one of ordinary skill in the art to use HTTP to communicate in the instant case for at least the reasons set forth in the HTTP specification as quoted above.

As to claim 16, Danknick teaches that the determining the list of network addresses for other imaging devices similar to the first imaging device further comprises discovering the network addresses for other imaging devices similar to the first imaging device [column 5, line 45 – column 6, line 49].

As to claim 17, Danknick teaches that the discovering the list of other network addresses further comprises pinging network addresses [column 10, lines 25-45].

As to claim 18, Danknick teaches:  
notifying the first imaging device when an imaging device associated with a network address of the list of network addresses for other imaging devices comes online (see imaging devices operating as slaves) [column 12, line 1 – column 13, line 4].

As to claim 19, Danknick teaches mirroring the list of other imaging device network addresses through the network interface (30) to another imaging device upon request (to a PC with a display for displaying images) [column 13, lines 18-47].

As to claim 20, the claim further limits the imaging device usage information, which is not necessarily required by claim 1 and which was not necessarily relied upon by the examiner to meet claim 15.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip S. Scuderi/



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